

New Hampshire Department of Environmental Services Air Resources Division

Title V Operating Permit Renewal Guidance

Last revised: 9/17/04

The NH Department of Environmental Services, Air Resources Division (DES) has developed this guidance document to offer information and assistance to owners and operators of facilities with expiring Title V Operating Permits. Specifically, this guidance addresses the procedural requirements for renewal of the Title V Operating Permit and the requirements associated with Compliance Assurance Monitoring (CAM) Plans.

When do I need to file my renewal Title V Operating Permit Application?

In order to be covered by the application shield provisions in the New Hampshire Code of Administrative Rules Env-A 609.08, *Application Shield*, the renewal application package must be submitted to the DES and the United States Environmental Protection Agency (EPA) **six months prior to the expiration date of the Title V Operating Permit.**

What happens if I don't submit my renewal application on time?

An application submitted within 6 months prior to the expiration date of the Title V Operating Permit is considered a "timely" application. As stated above, the application shield provision will apply provided that the application package is "timely" and "complete" in accordance with Env-A 609.11, *Completeness Determination*. Failure to submit a timely and complete renewal application package ceases the application shield provision and the facility is essentially operating without a valid Title V Operating Permit if the existing Title V Operating Permit expires prior to issuance of a new permit.

What do I need to file for my renewal application to be considered complete?

In accordance with Env-A 609.06, *Application Procedures for Title V Operating Permits*, a complete renewal application shall include the following information:

- (1) Complete application forms provided by the Department as described in Env-A 1703 through Env-A 1708;
- (2) All information specified in Env-A 1709, *Information Required for Title V Sources*, updated for current operations;
- (3) The fee(s) specified in Env-A 702 through Env-A 705, as applicable;
- (4) Where air dispersion modeling is required for a source or device pursuant to Env-A 606.02, *Applicability*, the information required pursuant to Env-A 606.03, *Responsibility for the Conducting of the Air Pollution Dispersion Modeling Impact Analysis*; and
- (5) If applicable, a CAM Plan.

All the information required for the renewal application package must be presented in sufficient detail for DES to evaluate and determine applicable state and federal requirements.

In an effort to provide more detailed information on the above list of items required as part of a renewal permit application package, each item is described in more detail below.

Item (1) ARD Forms:

Newly completed ARD forms are necessary as part of the Title V Operating Permit renewal package. These forms should be completed with the most recent operating data or if a facility is proposing modifications, the projected operational data based on the proposed modification. The forms can be accessed on the Department's website at <http://www.des.state.nh.us/ard/permit.htm> or can be requested by calling the Air Resources Division at (603) 271-1370.

Item (2) Env-A 1709 Requirements:

In addition to the information contained on the ARD forms, each applicant for a Title V Operating Permit must submit to DES and EPA the information required in accordance with Env-A 1709, *Information Required for Title V Sources*. This list can be accessed through our website at <http://www.des.state.nh.us/rules/env-a1700.pdf>

If any of the information requested in Env-A 1709.01(a) through (g) and (k) was submitted in a previous Title V Operating Permit application and has **not** changed, it can be incorporated by reference in the renewal application package. This previous information must be clearly referenced in the renewal application package and must accurately reflect current operations at the facility. If any changes have occurred at the facility or if changes are proposed in the renewal application package, new information must be provided.

The information requested in Env-A 1709.01(h), (i) and (j) must be completed based on current operations at the facility. Due to the time sensitive nature of this required information, incorporation by reference in the application package is **not** allowed.

The application package must include any new applicable requirements that became effective during the permit term and must include any off-permit changes allowed during the permit term.

Item (3) Fee Requirements:

Env-A 700 requires a permitted source to pay annual emissions-based fees. Pursuant to recent rule changes, these fees are due by July 15, 2005 for emissions from calendar year 2004 and by April 15th each subsequent year for emissions from the previous calendar year. Since there are no direct fees associated with the renewal of a Title V Operating Permit application, a statement that your facility is current with the annual emissions-based fees is sufficient. If your facility is not in compliance with the emissions-based fee requirements, an explanation as to why the fees have not been paid timely and a compliance plan as to when the fees will be paid in full is required in the renewal application submittal.

Item (4) Air Dispersion Modeling Analysis:

An air dispersion modeling analysis is only required if modifications have been made at your facility or are being proposed in the application package. If an air dispersion modeling analysis is required, a facility can either request DES to perform the modeling or the facility can complete and submit a modeling demonstration in accordance with Env-A 606, *Air Pollution Dispersion Modeling Impact Analysis Requirements*. For more information about what is required as part of an air dispersion modeling analysis, please contact Mr. James Black, Modeling Supervisor by calling (603) 271-1377 or by e-mail at jblack@des.state.nh.us.

Item (5) CAM Plan:

Unless subject to an earlier deadline specified in the regulation, facilities with emissions units subject to the Compliance Assurance Monitoring (CAM) requirements specified in 40 CFR Part 64 will need to submit a CAM Plan as part of the Title V Operating Permit renewal application package. In general, CAM applies to Title V sources that operate emission units with pre-controlled potential emissions at or above the major source thresholds that rely on control devices to comply with applicable requirements. Additional technical information, including plan examples, is available online at: <http://www.epa.gov/ttn/emc/cam.html>. For a more detailed discussion of the CAM Rule see the section entitled *What is the Compliance Assurance Monitoring (CAM) Rule*, on page 4 of this guidance document.

What is a Certification of Accuracy Statement?

40 CFR 70.5(d) states that "Any application form, report, or compliance certification submitted pursuant to these regulations shall contain certification by a responsible official of truth, accuracy, and completeness". This certification statement is found on the third page of the ARD-1 form and reads as follows:

"I am authorized to make this submission on behalf of the facility for which the submission is made. Based on information and belief formed after reasonable inquiry, I certify that the statements and information in the enclosed documents are to the best of my knowledge and belief true, accurate and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

This statement needs to be signed at the time of submittal by the “Responsible Official” for the facility. The person designated by the facility as the “Responsible Official” in accordance with Env-A 101.235, can be any one or more of the following:

- (1) A person in charge of a principal business function, or who performs similar policy or decision-making functions for the corporation;
- (2) A duly authorized representative of the company or corporation if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit;
- (3) A responsible person or official authorized by the owner or operator of a unit to represent the owner or operator in matters pertaining to the submission of and compliance with permits, permit applications, and compliance plans for the unit; or the submission of, or compliance with permits, permit applications, compliance plans, emission monitoring plans and reports, and annual compliance certifications; or
- (4) For a partnership or sole proprietorship: a general partner or the proprietor, respectively.

What is the Compliance Assurance Monitoring (CAM) Rule?

Pursuant to 40 CFR Part 64, the CAM rule requires owners and operators to monitor the operation and maintenance of control equipment to evaluate the performance of the control devices and report whether or not the facility meets established emission standards. If owners and operators of these facilities find that the control equipment is not working properly, the CAM rule requires that action be taken to correct any malfunctions and to report such instances to the appropriate permitting authority.

The CAM rule applies to Title V sources that are operating emission units with pre-controlled potential emissions at or above the major source thresholds and that rely on control devices to comply with applicable requirements. CAM identifies two categories of emission units as follows:

- **“Large” pollutant specific emission units** are units that have potential emissions after controls in amounts equal to or greater than the major source thresholds (pollutant specific emissions); and
- **“Other” pollutant specific emission units** are the set of remaining affected pollutant specific emission units.

The CAM rule establishes the minimum monitoring criteria of applicable existing control devices to provide reasonable assurance of compliance with emission limits and standards. This monitoring will help source owners and operators certify compliance under the Title V operating permits program.

For situations where continuous emissions monitoring is already specified in the operating permit, the rule exempts the owner or operator from additional related monitoring requirements and directs the owner or operator to use the continuous compliance monitoring data to fulfill the CAM rule monitoring and certification requirements.

For applicable emission units, the rule requires the owner or operator to develop and conduct monitoring. The monitoring will include an acceptable range within which to operate the control device (known as an “indicator range”). Generally, facility owners or operators will use results of performance tests, in conjunction with equipment design or other information, to determine the indicator ranges that (if the equipment is operated within those ranges) will provide a reasonable assurance of compliance with emission limitations.

More detailed information on the CAM rule can be obtained online at: <http://www.epa.gov/ttn/emc/cam.html>. Specific questions related to CAM Plans for New Hampshire sources can be directed to Michele Andy, Title V Program Manager by calling (603) 271-6793 or through e-mail at mandy@des.state.nh.us.

Where should I send my application package?

Two copies of the Title V Operating Permit renewal application package should be submitted to the Director of the Department of Environmental Services, Air Resources Division and one copy to the United States Environmental Protection Agency at the following addresses:

NH Department of Environmental Services, Air Resources Division:

**Mr. Robert R. Scott, Director
New Hampshire Department of Environmental Services
Air Resources Division
PO Box 95
Concord, NH 03302-0095**

United States Environmental Protection Agency:

**Ms. Ida McDonnell, Environmental Engineer
United States Environmental Protection Agency
Air Permits, Toxics, and Indoor Programs Unit
1 Congress Street
Suite 1100
Boston, MA 02114-2023**

As a result of recent rule changes, pursuant to Env-A 622.06, *Public Access to Information*, **two** copies of the Title V Permit application must be submitted to DES. DES will forward one copy to the appropriate city and/or town for public access during the public comment period.

What happens after I file my renewal application package?

There are typically four phases in the Title V permitting process:

- (1) First, the permit application undergoes an initial review by DES to ensure that the information submitted is administratively complete and includes all appropriate regulatory requirements. If so, a “completeness determination” is issued by DES. If in its initial review DES determines that additional information is necessary, DES will issue a letter of incompleteness requesting that the additional information be submitted within a specified timeframe. If the requested information is submitted within the specified timeframe, the application will be deemed administratively complete. DES has 60 days to issue the completeness determination. If a completeness determination has not been finalized within that timeframe, the application becomes complete by default.
- (2) After the application has been deemed administratively complete, DES undertakes a technical review of the application. In addition, the review may include a facility site visit and an analysis of historical information. Once DES has completed this review and is confident that the application accurately reflects the facility’s operations, DES develops a “draft Title V Operating Permit.” The draft Title V Operating Permit contains all applicable regulatory requirements (both state and federal) that apply to the facility. In an effort to streamline the process and to ensure that your facility is aware of all the permit terms and conditions, DES will share the draft permit with the facility to address any questions or comments prior to issuing a public notice.

Take an active part in the permitting process so that your permit reflects current operations at your facility. Your facility will be evaluated for compliance based on the terms and conditions in your Title V Permit.

- (3) Once the draft Title V Operating Permit is prepared, the public is given notice as required by Env-A 622, *Permit Notice and Hearing Procedures: Title V Operating Permits*. The public, the United States Environmental Protection Agency (EPA), and any other interested parties are invited to submit comments on the draft Title V Operating Permit. An opportunity for a public hearing is also provided.
- (4) After all public comments have been received and evaluated by DES, a final determination regarding the permit is made by the Director of the Air Resources Division (Director). If the determination is favorable, the draft Title V Operating Permit is designated as “proposed” and sent to EPA for further review. A draft Title V Operating Permit may be modified as a result of comments received during the public comment period before it is sent to EPA as a proposed permit. The proposed permit is reviewed by EPA for up to forty-five days. If EPA has no objections within this timeframe, the final permit is issued.

What happens if my permit expires before the new permit is issued?

Provided that a timely (**6 months prior to the expiration of the permit**) and complete application was filed for the renewal of the Title V Operating Permit, the application shield provision pursuant to Env-A 609.08, *Application Shield*, will be in effect until DES takes final action on the renewal application. This provision provides protection to the facility for operating without a valid Title V Operating Permit. If your facility does not file a timely and complete renewal application, this protection does not apply.

If you have filed a timely and complete renewal application and your current Title V Operating Permit expires prior to the issuance of a new permit, your facility is obligated to continue to comply with all of the terms and conditions of the expired Title V Operating Permit.

Who can I contact at DES and/or EPA?

If you have any questions or concerns regarding this guidance document or the renewal procedures associated with New Hampshire Title V Operating Permits please contact:

Michele Andy, Title V Program Manager

Phone Number: (603) 271-6793

E-mail Address: mandy@des.state.nh.us

If you have any questions or concerns regarding the federal Title V Permit program please contact:

Ida McDonnell, Environmental Engineer

Phone Number: (617) 918-1653

E-mail Address: mcdonnell.ida@epamail.epa.gov

Helpful Links:

Description	Link
New Hampshire Department of Environmental Services	www.des.state.nh.us
United States Environmental Protection Agency	www.epa.gov
New Hampshire Air Resource Division Regulations	http://www.des.state.nh.us/ard/ardrules.htm
NHDES Permit Application Forms	http://www.des.state.nh.us/ard/permit.htm
Additional Information Required for Title V Sources	http://www.des.state.nh.us/rules/env-a1700.pdf
Compliance Assurance Monitoring Rule (40 CFR Part 64)	http://www.epa.gov/ttn/emc/cam.html
Federal Title V Regulations (40 CFR Part 70)	http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=40a286ec880808c56b0125d44d15d325&tpl=/ecfrbrowse/Title40/40cfr70_main_02.tpl
EPA's Clearinghouse for Inventories & Emission Factors	http://www.epa.gov/ttn/chief/index.html